

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

**IN RE: AME CHURCH EMPLOYEE
RETIREMENT FUND LITIGATION**

**MDL DOCKET NO. 1:22-md-
03035-STA-jay**

ALL CASES

**NEWPORT GROUP, INC.'S UNOPPOSED MOTION TO STAY DEADLINE TO
RESPOND TO AMEC DEFENDANTS' CROSS-COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 6, Defendant Newport Group, Inc. (“Newport”) respectfully moves the Court to stay the deadline for its response to the African Methodist Episcopal Church’s Cross-Complaint (Dkt. # 523) pending resolution of the AMEC Defendants’ Motion for Leave To Amend Their Cross-Complaint (Dkt. # 539). Specifically, in the event this Court denies the AMEC Defendants’ Motion for Leave, Newport requests its responsive pleading deadline be set for 30 days after the Court’s decision on the Motion for Leave.¹ Counsel for Newport has conferred with counsel for the AMEC Defendants, and the AMEC Defendants do not oppose the requested relief. In support of this motion, Newport states as follows:

On September 20, 2024, the AMEC Defendants filed their answer to Plaintiffs’ Second Consolidated Amended Complaint, which includes cross-claims against Newport (the “Cross-Complaint”). *See* Dkt. # 424. Pursuant to Federal Rule of Civil Procedure 15, Newport’s deadline to respond to the Cross-Complaint is October 11, 2024.

¹ If the Court grants the Motion for Leave, then that will become the operative pleading and there will be no need for Newport to respond to the current Cross-Complaint.

On September 30, 2024, the AMEC Defendants filed their Motion for Leave To Amend Their Cross-Claims, which seeks to add claims and allegations against Newport. *See* Dkt. # 436. The Court has not yet ruled on the AMEC Defendants' motion.

Newport's request for a stay is not being made for the purposes of delay or for any other unjust purpose. The primary reason for the requested stay is to permit the Court to rule on the AMEC Defendants' motion for leave. If the Court grants the AMEC Defendants' motion, Newport intends to move to dismiss the amended cross-complaint. Absent a stay, however, Newport will be put in the position of being forced to respond to the Cross-Complaint potentially before this Court determines which pleading is the operative cross-complaint. No party will be prejudiced by the requested stay, and the AMEC Defendants do not oppose this motion.

WHEREFORE, Newport respectfully requests that the Court grant this motion and stay the deadline for Newport to respond to the AMEC Defendants' cross-complaint and, in the event the AMEC Defendants' Motion for Leave is Denied, extend Newport's responsive pleading deadline by 30 days from the date of decision on the AMEC Defendants' motion.

DATED: October 11, 2024

Respectfully submitted,

/s/ Lars C. Golumbic

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Counsel for Defendant Newport Group, Inc.

CERTIFICATE OF CONSULTATION

I certify that the undersigned counsel for Newport consulted with Mary Wu Tullis, counsel for the AMEC Defendants, by email on October 8-11, 2024 regarding this motion. Ms. Tullis advised that the AMEC Defendants do not oppose the requested extension of time.

/s/ Shaun A. Gates

Shaun A. Gates

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2024, a true and correct copy of the foregoing NEWPORT GROUP, INC.'S UNOPPOSED MOTION STAY DEADLINE TO RESPOND TO AMEC DEFENDANTS' CROSS-COMPLAINT was sent to all counsel of record via the CM/ECF system.

/s/ Lars C. Golumbic

Lars C. Golumbic